

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**EMERITA FERNANDEZ**  
**Plaintiff**

**V.**

**FIESTA MART, LLC D/B/A FIESTA  
MART NO. 37 A/K/A FIESTA**  
**Defendant**

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**Civil Action No. 4:21-cv-2998**

**JOINT STATUS REPORT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, EMERITA FERNANDEZ, Plaintiff and FIESTA MART, LLC, Defendant and file this Joint Status Report in compliance with this Court's December 7, 2021, Order to Report [Doc#10.0] and addressing October 19, 2021, Order to Disclose and Report the status of mediation and the next steps to advance the litigation [Doc #9].

1. Plaintiff has now confirmed for Defendant and its counsel that Plaintiff has provided all of the allegedly related medical records and bills to Defendant, which reflects that Plaintiff's last treatment was in October 2020.
2. The parties have discussed settlement through informal discussions, however, based on the amount of the current settlement demand, combined with the fact that Defendant has not been able to identify any evidence to confirm that Plaintiff fell in its store as alleged, the Parties want to conduct some initial discovery and depositions prior to mediation.
3. Parties are exchanging Disclosures on or before December 28, 2021.
4. In order to determine and evaluate the alleged facts of the fall, defendant requests permission to (1) issue a standard set of written discovery requests (interrogatories and requests for production seeking details about the accident claim, pre-existing injuries and conditions), and (2) take Plaintiff's deposition, as well as the deposition of any person who was visiting the store with Plaintiff on the date in question.
5. In order to determine and evaluate her case, Plaintiff requests permission to issue a standard set of written discovery requests to Defendant, including requests for witness statements, surveillance video, and other related documents. Following receipt of the

discovery requests, Plaintiff requests permission to depose a corporate representative from Fiesta

6. To the extent, the parties are unable to resolve through further discussions before or after the depositions, the parties are agreeable to a mediation after depositions since Defendant will be more educated regarding what accident Plaintiff is claiming and what injuries Plaintiff is claiming;

Respectfully submitted,

**THE BAIRD LAW FIRM**

*/s/ Kenneth Baird*

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Kenneth R. Baird  
SBN: 24036172  
Southern Admission No. 34601  
The Baird Law Firm  
2323 South Voss Road, Ste. 325  
Houston, TX 77057  
(713) 783-1113  
(281) 677-4227 (Fax)  
[bairdlawfirm@hotmail.com](mailto:bairdlawfirm@hotmail.com)

**ATTORNEYS-IN-CHARGE FOR PLAINTIFF**

Respectfully Submitted,

*/s/ Jeff C. Wright*

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JEFF C. WRIGHT  
SBN: 24008306  
Southern Admission No. 732554  
[jwright@feesmith.com](mailto:jwright@feesmith.com)  
FEE, SMITH, SHARP & VITULLO, L.L.P.  
Three Galleria Tower  
13155 Noel Rd., Suite 1000  
Dallas, TX 75240  
(972) 934-9100  
(972) 934-9200 – Fax

**ATTORNEY FOR DEFENDANT**